

IN THE 22nd JUDICIAL CIRCUIT COURT
CITY OF SAINT LOUIS
STATE OF MISSOURI

SHANTEL EWING)
Plaintiff,) Cause No.:
v.) Division No.:
BRIAN A. LILES) Plaintiff Demands a Jury Trial
Serve at:)
211 Wisconsin Avenue)
Alton, IL 62002)
BILL & JOE'S TOWING, INC.)
Serve at:)
191 East Alton Ave.)
Alton, IL 62042)
Defendants.)

PETITION FOR DAMAGES

COMES NOW Plaintiff, Shantel Ewing, for her cause of action against Defendants, Brian A. Liles and Bill & Joe's Towing Company, and states to the Court as follows:

JURISDICTIONAL STATEMENTS

1. At all times herein, Shantel Ewing (hereinafter "Plaintiff"), is an individual who was, and is, a resident of the State of Missouri.
2. Based on information and belief, and at all times herein, Brian Liles (hereinafter "Defendant Liles") is an individual who was, and is, a resident of the State of Missouri.
3. Based on information and belief, at all times herein, Defendant Bill & Joe's Towing, Inc. (hereinafter "Defendant Bill & Joe's") is an Illinois Corporation which was, and is, a duly registered and active incorporation of the State of Illinois.

VENUE

4. Venue is proper in the Circuit Court of the City of Saint Louis pursuant to Mo. Rev. Stat. § 508.010.4, as Plaintiff was first injured in the City of Saint Louis, Missouri.

COUNT - NEGLIGENCE
AGAINST DEFENDANT LILES

5. Plaintiff adopts and incorporates herein by reference each and every allegation contained in this petition, as though fully set forth herein.

6. On or about May 24, 2019, at approximately 2:10 p.m., Plaintiff was operating a 2005 Chevrolet Cobalt in a generally northbound direction on Interstate 55 approaching the intersection at Loughborough Avenue.

7. At or near the same time and place, Defendant Liles was operating a tow truck, in the course and scope of his employment with Defendant Bill & Joe's, in a generally northbound direction on Interstate 55, approaching Loughborough Avenue.

8. That Interstate 55 and Loughborough Avenue are open and public thoroughfares that pass through, among other areas, Saint Louis City, Missouri.

9. On or about May 24, 2019, at approximately 2:10 p.m. Defendant Liles attempted to change lanes to his right, and in doing so, Defendant Liles collided with driver's side of Plaintiff's vehicle.

10. Plaintiff was unable to avoid the collision due to its sudden and abrupt nature and the incident described occurred with no negligence on the part of the Plaintiff.

11. The injuries and damages alleged by Plaintiff were directly and proximately caused by Defendant Liles in one or more of the following respects:

- a. Defendant Liles failed to exercise the highest degree of care to keep a careful lookout while operating his motor vehicle;

- b. Defendant Liles failed to exercise the highest degree of care by allowing his vehicle to come into collision with Plaintiff's vehicle;
- c. Defendant Liles failed to utilize his turning signal prior to changing lanes;
- d. Defendant Liles failed to yield the right of way to Plaintiff;
- e. Such further negligent and careless acts and omissions as the evidence and discovery will reveal.

12. Each and all of the aforesaid acts by Defendant Liles, both of commission and of omission, were negligent and constituted negligence and were a direct and proximate cause of the damages and injuries hereinafter described.

13. As a direct and proximate result of the aforesaid acts by Defendant Liles, both of omission and commission, Plaintiff suffered serious, painful, and permanent injuries to her neck and back.

14. As a direct and proximate result of the aforesaid acts by Defendant Liles, both of omission and commission, Plaintiff became sick, sore, lame, and disordered.

15. As a direct and proximate result of the aforesaid acts by Defendant Liles, both of omission and commission, Plaintiff has suffered, and he will hereafter suffer physical pain and garden variety mental anguish.

16. As a direct and proximate result of these injuries, Plaintiff has been obliged to seek medical treatment.

17. As a direct and proximate result of these injuries, Plaintiff and has incurred reasonable expenses for said treatment.

18. As a direct and proximate result of these injuries, Plaintiff will in the future be obliged to seek additional medical treatment and will incur additional reasonable expenses for said treatment.

19. Plaintiff's aforesaid injuries are permanent, serious, and progressive in their nature.

20. Plaintiff will continue to suffer pain of body and mind for so long as she lives.

21. Plaintiff's damages, both economic and non-economic damages total exactly \$75,000.00

WHEREFORE, Plaintiff prays judgment against Defendant Liles in such sum over \$25,000.00 as will reasonably and fairly compensate Plaintiff for loss and damage, together with costs herein expended, and such other and further relief as the Court deems just and proper.

COUNT II- RESPONDEAT SUPERIOR

22. Plaintiff adopts and incorporates herein by reference each and every allegation contained in this petition, as though fully set forth herein.

23. On or about May 24, 2019, Defendant Liles was employed by Defendant Bill & Joe's and Defendant Liles was working in the course and scope of his employment with Defendant Bill & Joe's.

24. Defendant Bill & Joe's entrusted a vehicle under its control to Defendant Liles.

25. Defendant Bill & Joe's had the right of control over the vehicle which was entrusted to Defendant Liles and said vehicle, entrusted to Defendant Liles, was the vehicle involved in this cause of action.

26. Defendant Liles negligence as outlined in Count I of this Petition is the direct and proximate cause of Plaintiff's injuries and damages as outlined herein.

27. Plaintiff's damages, both economic and non-economic damages total exactly \$75,000.00

28. That under the doctrine of respondeat superior, Defendant Bill & Joe's is liable for Defendant Liles acts stated in Count I of this cause of action.

WHEREFORE, Plaintiff prays judgment against Defendant Bill & Joe's in such sum over \$25,000.00 as will reasonably and fairly compensate Plaintiff for loss and damage, together with costs herein expended, and such other and further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Robert E. Schmittgens

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